

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
January 19, 2012**

Members Present

Bill O'Brien, Chairman
Jack Lessard (Alternate)
Vic Lessard
Bryan Provencal
Ed St. Pierre

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman O'Brien called the meeting to order at 7:00 p.m.

Chairman O'Brien introduced the members of the Board.

The Pledge of Allegiance was said.

PETITION SESSION

34-11 Rehearing of Jay Ponchak and Sharon B. Ponchak for property located at 15 Mace Road seeking relief from Article IV, Section 4.2, 4.3 and Footnote #22 to subdivide the existing 1.37 acre lot into two residential lots where the "to be created" lot will not have the required frontage or lot width. This property is located on Map 128, Lot 49-2 and in a RA zone.

Sharon Ponchak, Petitioner, and Attorney Steven Ells came forward. Chairman O'Brien asked if they would prefer to reschedule this rehearing to next month when Tom McGuirk would be present. Attorney Ells said he felt it would make more sense to have the rehearing with the five original members present.

Moved by Mr. V. Lessard and seconded by Mr. Provencal, to move the rehearing on Petition 34-11 to next month's meeting on February 16, 2012 at which time it will be first on the agenda.

VOTE: 5-0-0. Motion passed unanimously.

01-12 The petition of Aarmen G. Kludjian and Kathlees Esoian (Kludjian) for property located at 174 Kings Highway seeking relief from Articles 1.3 – 4.5.1 and 4.5.2 to expand the existing second floor with a new second floor addition within the same footprint and construct a new rear deck. This property is located on Map 168, Lot 43 and in a RB zone.

Armen Kludjian, Petitioner, came forward. He said he would like to make some renovations which would give him more square footage on the second floor. The house is very small. Mr. Kludjian said his daughter is moving back in and more space is needed. Mr. Kludjian went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. V. Lessard asked how tall the house would be. Mr. Kludjian replied that it would be 30 feet high.

Chairman O'Brien asked if the kitchen would be remodeled. Mr. Kludjian said only an area that used to be the porch.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said his only problem is how close the new 12 foot deck will be to the side setback, less than 2 feet.

Mr. Kludjian said they will take the steps out and just extend the deck to the back. Mr. Kludjian said they have always been that close to the lot line.

Chairman O'Brien referenced Drawing A-3 and said if the deck were built according to that drawing, he would be in favor of it – it showed the deck being 5 feet from the property line.

Mr. Schultz said on the plot plan the proposed deck is 1.6 feet from the lot line for the entire 12 feet. He asked if it could be shifted to the right after 3 feet. Mr. St. Pierre said he felt there was a better location for the deck. Mr. Schultz said that by sliding the deck to the right the counters, windows, etc. could be retained.

Chairman O'Brien asked for a consensus. Mr. V. Lessard said he would like the petitioner to get what he wants, but felt the proposal was a stretch. Mr. J. Lessard agreed. Mr. Provencal said he was in favor. Mr. St. Pierre said he would prefer to see at least a 4 foot buffer.

Mr. Kludjian said he would be willing to make any changes suggested by the Board.

Moved by Mr. V. Lessard and seconded by Mr. J. Lessard, to grant Petition 01-12 subject to the new deck on the south side extending only 3 feet past the corner of the house and then returning to the 5 foot setback in line with the main house for the remainder of the proposed deck – new drawings will be submitted showing changes on A2, A3, A4, and A8.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

02-12 The Petition of Patricia J. McKenzie for property located at 24 Beach Plum Way was WITHDRAWN.

03-12 The petition of Gloria Valhouli Realty Trust for property located at 1018 Ocean Boulevard seeking relief from Article IV, Section 4.5.2 to place natural gas powered Generator (Kohler 14 KW) seven (7) feet from the north side property line where Ten (10) feet is required. This property is located on Map 116, Lot 55, and in a RA zone.

Chris Valhouli, appearing on behalf of the Petitioner, came forward. He said they were seeking a variance for a natural gas generator. The owners of the property are elderly and would like this assurance in times of power outages. This is a Kohler generator and runs on natural gas and is close to silent. The abutter to the north has a similar generator. There is really no place to put a generator without going over the setback. All abutters to the property are in favor of this petition. Mr. Valhouli went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. J. Lessard and Mr. Provencal said they saw no problems with this petition. Mr. St. Pierre asked if the generator was already in place. Mr. Valhouli said it is in place but not operational. Mr. V. Lessard said it is important to have the fire inspector check the generator.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal and seconded by Mr. J. Lessard to grant Petition 03-12.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

04-12 The petition of Nottingham Square Corporation for property located at 845 Lafayette Road seeking relief from Article III Use Regulations as to Section 3.30 to operate a “nanobrewery”. The property is located on Map 090, and in a B zone.

Attorney Eileen Nevins and Mr. Maninuso, owner of Nottingham Square Corporation, came forward. Attorney Nevins explained that the petitioner desires to establish a nanobrewery. This establishment will look like a restaurant and will serve outside vendors’ food. Attorney Nevins presented a picture showing what the brewery would look like. It would seat approximately 44 people. Nanobreweries were approved by the legislature last year. This nanobrewery will be limited to less than 2,000 31-gallon barrels per year. Attorney Nevins went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. Provencal asked if food would be outsourced. Attorney Nevins said it must be by law. Mr. St. Pierre asked about the location. Attorney Nevins said it is now vacant space and part of where the Brothers North Restaurant used to be located.

Mr. V. Lessard asked if there was enough parking. Attorney Nevins said there was.

Mr. V. Lessard asked what would happen to the hops when the brewery had finished with them. Mr. Maninuso said they can go to compost or be taken off the property. When the brewery is finished with the grains they can go to local farmers, etc.

Comments from the Audience

Arthur Moody, 3 Thompson Road, came forward. He said he was concerned about the odors that might be caused by this operation. Mr. Maninuso replied that the quantity they would be dealing with is very small and equivalent to baking bread. This doesn’t even require a special ventilation system.

Tom McNamara, 230 Mill Road, came forward. He asked if all the supplies, hops, grains, etc. would stay within the building. Attorney Nevins replied that they would.

Back to the Board

Mr. V. Lessard asked what would happen to the grains and hops. Mr. Maninuso they will donate the grains to farmers and the hops are a waste product.

Mr. Schultz said the petitioner would have to meet with a grease trap inspector at DPW.

Shane Pine, owner of the restaurant going in next door to the brewery, explained his operation.

Moved by Mr. Provencal and seconded by Mr. St. Pierre, to grant Petition 04-12 subject to all materials used to manufacture beer being stored inside the premises and all used products, i.e., grain, hops, etc. being disposed off-site – not into the town sewer, drainage or infrastructure. If conditions are not met, all brewing must cease.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

05-12 The petition of Ellen Lavin for property located at 20 Robin Lane seeking relief from Article IV, Section 4.5.2 to acquire side set back to rebuild damaged dwelling on the same foundation to the same dimensions. The property is located on Map 133, Lot 1, and in a RA Zone.

Henry Boyd, Millenium Engineering, came forward. He said he was representing the Lavins. He said this petition is simply to rebuild the fire damaged home to the way it has existed since 1978. Mr. Lavin wants to add a bulkhead which is on the plans. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. V. Lessard and seconded by Mr. J. Lessard, to grant Petition 05-12 subject to a special permit being obtained from the Planning Board.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

06-12 The petition of James Zegouros for the property located at 421 Lafayette Road seeking relief from Article XI Sections 11.5 and 11.5.a seeking permission to use the vacant lot located at 421 Lafayette Road for a seasonal restaurant offering take out service. The structure is a 1963 Airstream trailer to be attached to a permanent foundation. The tires will be removed and all utilities will be installed in the trailer

making it a permanent structure including electric and town water supply. The property is located on Map 160, Lot 24 and in a B Zone.

Heide Conlin and Jennifer Blankenship, appearing on behalf of the petitioner, came forward. Ms. Blankenship said this will be an attraction on a small scale that will exemplify the quaint character of Hampton and enhance its image as an attractive destination for the residents of the town and visitors. The uniqueness is not only in the building design but also in the business model of responsible citizenship as a member of the Hampton business community. Ms. Blankenship went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. St. Pierre asked if this would be a temporary business. Ms. Blankenship replied that there are no plans at this time to change the structure or design. This will be a seasonal business.

Mr. V. Lessard asked if concrete would be put in the parking lot. Ms. Blankenship said the lot does need to be improved. Mr. V. Lessard said he was not ready to vote on this petition at this time.

Comments from the Audience

Greg Haricky, 427 Lafayette Road, came forward. He voiced concerns about parking and trash management. Mr. Haricky asked what would happen in the off season. Ms. Blankenship said the property would be winterized and shut down. Mr. Haricky asked if there would be fryolators. Ms. Blankenship said there would be one. The fire suppression system will be in place and waste oil will be serviced by a local co-op.

Wayne Chapman, Wayne's Barber Shop, came forward. He said he was opposed because of traffic flow problems and also because the structure won't be in keeping with the rest of the businesses in the area.

Mr. Moody asked about the hours of operation. Ms. Blankenship said the hours would be 11:30 a.m. to 9:00 p.m.

Paul Paquette, 6 Swain Street, came forward. He expressed concerns about parking.

Back to the Board

Mr. V. Lessard said he was not ready to vote on this petition. Mr. J. Lessard said the location is not the place for that sort of business. Mr. St. Pierre said he felt a regular structure would be better. Mr. V. Lessard said this location is too valuable for this type of business.

Mr. St. Pierre asked if the petitioners had investigated any of the empty shops. Ms. Blankenship said they had not because they are trying to create a unique concept. Ms. Conlin said the food will be very upscale. Chairman O'Brien said he was opposed to this petition because the justification to grant relief to section 11.5, which regulates all businesses that dispense food in the town, had not been made.

Chairman O'Brien asked Ms. Conlin and Ms. Blankenship, considering the feelings expressed by the Board, if they would like to withdraw. This would leave them the option to coming back to the Board at a later date with a revised concept. Ms. Conlin and Ms. Blankenship chose to withdraw.

Moved by Mr. J. Lessard and seconded by Mr. V. Lessard, that Petition 06-12 be withdrawn without prejudice.

VOTE: 5-0-0. Motion passed unanimously.

BUSINESS SESSION

Adoption of Minutes

Moved by Mr. V. Lessard and seconded by Mr. Provencal, to approve the Minutes of December 22, 2011.

VOTE: 4-0-1 (J. Lessard). Motion passed.

Chairman O'Brien thanked Jay Lowney, who was assisted Bill Lowney and Charlie Tyler, for televising this meeting.

Adjournment

There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Joan Rice
Secretary